

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BONNIE RENEE JOHNSON,

Plaintiff,

3:12-CV-868-PA

ORDER

v.

BANK OF AMERICA HOME LOANS,
et al,

Defendants.

PANNER, J.

Pro se plaintiff Bonnie Johnson filed a complaint in state court challenging the non-judicial foreclosure sale of her home. Johnson alleges defendants failed to follow the procedures set forth in the Oregon Trust Deed Act. Defendants removed the case and two defendants, Routh Crabtree and Olsen and Oregon Legal Journal move to dismiss for failure to state a claim.

The moving defendants had nothing to do with the non-judicial foreclosure sale at issue. Routh Crabtree is a law firm who represented the purchaser of the home in a detainer action.

Oregon Legal Journal was, at most, the paper in which the parties conducting the non-judicial foreclosure sale placed notice of the sale. It is clear that the complaint fails to state a claim against either of the moving defendants.

The motions to dismiss [##7 & 9] are GRANTED. The claims against Routh Crabtree and Olsen and Oregon Legal Journal are dismissed with prejudice. The request for fees is DENIED.

Additionally, plaintiff's motion to remand [# 24] is DENIED. Plaintiff makes no legal argument in support of her motion, only stating she believes she has a right to have her claims heard in state court. Any motion to remand, however, must have been brought within 30 days of removal. See 28 U.S.C. § 1447(c). Plaintiff does not argue this court lacks subject matter jurisdiction. Because plaintiff's motion to remand came much later than 30 days following removal, the motion is DENIED.

IT IS SO ORDERED.

DATED this 4 day of October, 2012.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE